

SIDNEY KEYS,)
)
Plaintiff,)
)
v.) No. 4:13CV00077 JAR
)
)
THE STATE OF MISSOURI,)
)
Defendant.)

This matter is before the Court for review of plaintiff’s complaint for subject matter jurisdiction pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. Plaintiff brings this action under the Civil Rights Act of 1964 “to enforce civil rights against state and local governments and to bar private discrimination.”

Rule 12(h)(3) of the Federal Rules of Civil Procedure states: “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

A court does not obtain subject-matter jurisdiction just because a Plaintiff raises a federal question in his or her complaint. If the asserted basis of federal jurisdiction is patently meritless, then dismissal for lack of jurisdiction is appropriate. Because this is a facial rather than a factual challenge to jurisdiction, [the court] determine[s] whether the asserted jurisdictional basis is patently meritless by looking to the face of the complaint and drawing all reasonable inferences in favor of the Plaintiff.

Biscanin v. Merrill Lynch & Co., Inc. 407 F.3d 905, 907 (8th Cir. 2005) (citations omitted).

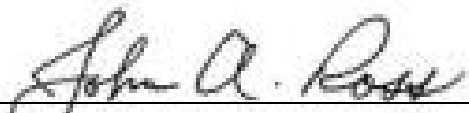
The Court finds the asserted federal claims in the complaint to be patently meritless. Plaintiff has not set forth a cause of action under any particular provision of the Civil Rights Act of 1964. He has not alleged any facts from which the Court could possibly infer a cause of action under any federal statute. His claims are legally frivolous. As a result, the complaint must be dismissed for lack of jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice under Rule 12(h)(3).

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 17th day of January, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE